

**278.714 Application for certificate to construct nonregulated electric transmission line -- Granting or denial -- Public hearing -- Fee.**

- (1) No person shall commence to construct a nonregulated electric transmission line without a construction certificate issued by the board. An application for a construction certificate shall be filed at the offices of the Public Service Commission along with an application fee as set forth in subsection (5) of this section.
- (2) A completed application shall include the following:
  - (a) The name, address, and telephone number of the person proposing construction of the nonregulated transmission line;
  - (b) A full description of the proposed route of the transmission line and its appurtenances. The description shall include a map or maps showing:
    1. The location of the proposed line and all proposed structures that will support it;
    2. The proposed right-of-way limits;
    3. Existing property lines and the names of persons who own the property over which the line will cross; and
    4. The distance of the proposed line from residential neighborhoods, schools, and public and private parks within one (1) mile of the proposed facilities;
  - (c) A full description of the proposed line and appurtenances, including the following:
    1. Initial and design voltages and capacities;
    2. Length of line;
    3. Terminal points; and
    4. Substation connections;
  - (d) A statement that the proposed transmission line and appurtenances will be constructed and maintained in accordance with accepted engineering practices and the National Electric Safety Code;
  - (e) Evidence that public notice has been given by publication in a newspaper of general circulation in the general area concerned. Public notice shall include the location of the proposed line, shall state that the proposed line is subject to approval by the board, and shall provide the telephone number and address of the Public Service Commission; and
  - (f) Proof of service of a copy of the application upon the chief executive officer of each county and municipal corporation in which the proposed line is to be located, and upon the chief officer of each public agency charged with the duty of planning land use in the general area in which the line is proposed to be located.
- (3) Within ninety (90) days of receipt of the application, or one hundred twenty (120) days if a local public hearing is held, the board shall, by majority vote, grant or deny

the construction certificate either in whole or in part. Action to grant the certificate shall be based on the board's determination that the proposed route of the line will minimize significant adverse impact on the scenic assets of Kentucky and that the applicant will construct and maintain the line according to all applicable legal requirements. In addition, the board may consider the interstate benefits expected to be achieved by the proposed construction or modification of electric transmission facilities in the Commonwealth. If the board determines that locating the transmission line will result in significant degradation of scenic factors or if the board determines that the construction and maintenance of the line will be in violation of applicable legal requirements, the board may deny the application or condition the application's approval upon relocation of the route of the line, or changes in design or configuration of the line.

- (4) A public hearing on an application to construct a nonregulated electric transmission line may be held in accordance with the provisions of KRS 278.712.
- (5) The board shall promulgate administrative regulations to establish an application fee for a construction certificate for a nonregulated transmission line in accordance with KRS 278.706(3).

**Effective:** July 12, 2006

**History:** Amended 2006 Ky. Acts ch. 137, sec. 2, effective July 12, 2006. -- Created 2002 Ky. Acts ch. 365, sec. 8, effective April 24, 2002.